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DAVID J. ARCHER
7037 POMERY ROAD
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OFFICE OF PETITIONS

In re Application of :
Timm et al. :
Application No. 10/715889 :
Filing or 371(c) Date: 11/17/2003 :
Attorney Docket Number: :
1349 : **ON PETITION**

This is a decision on the "Petition to Withdraw Holding of Abandonment," filed January 15, 2009. The petition is properly treated under 37 C.F.R. § 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed September 3, 2008. The Office communication set a one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on October 4, 2008. A Notice of Abandonment was mailed January 6, 2009.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Office communication was filed on October 22, 2008, including a petition for a one (1) month extension of time and fee.

Review of Office Records

A review of Office records confirms that the Office received the reply filed on October 22, 2008, including a petition for a one (1) month extension of time and fee.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3743 for processing of the reply, and for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions